

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KESTREL HOLDINGS I, L.L.C.,

Plaintiff

VS.

LEARJET INC. AND BOMBARDIER INC.

Defendants

1:04 MBD 10068 NG

FILING FEE PAID:

RECEIPT # 54653

AMOUNT \$ 30.00

BY DPTY CLK JL

DATE 3/18/04

DEFENDANTS'  
MOTION TO ADMIT COUNSEL PRO HAC VICE

LEARJET INC. and BOMBARDIER INC. ("Defendants") move, pursuant to United States District Court Local Rule 83.5.3, for entry of an Order permitting admission of Ron A. Sprague to the bar of this Court for the sole purpose of serving as counsel in preparing for and participating in any proceedings involving the Defendants and their retained expert, Dr. Thomas Eagar of Massachusetts. This dispute arose from litigation pending in United States District Court for the District of Kansas and is in the nature of a discovery dispute and enforcement of a subpoena duces tecum served upon Dr. Eagar by the Plaintiff.

In support of this Motion, Defendants state the following:

1. Ron A. Sprague is Managing Shareholder in the law firm of Gendry & Sprague, P.C. He is admitted to practice in State of Texas. His Texas Bar Number is 18962100. He is also licensed to practice in all four (4) United States District Courts in

Texas, the Fifth United States Circuit Court of Appeals and the United States Supreme Court. He is in good standing with all of those Courts. He is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization. There are no disciplinary proceedings pending against Mr. Sprague as a member of the bar in any jurisdiction. Mr. Sprague is familiar with the United States District Court, District of Massachusetts, Local Rules.

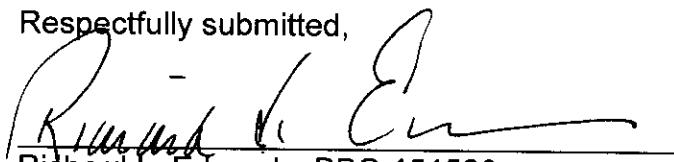
2. Defendants state that this is a Motion to Compel Discovery brought by the Plaintiff seeking an Order from the Court compelling Dr. Thomas Eagar, an expert witness for the Defendants, to produce certain documents pursuant to a subpoena duces tecum issued to him under Fed. R. Civ. P. 45 in this jurisdiction. Plaintiff also moves the Court for an Order holding Dr. Eagar and/or his attorneys in contempt, allegedly for failure to obey the subpoena without adequate excuse. Defendants have asked Mr. Sprague to represent them because of his specialized knowledge and experience obtained from representing Defendants in the past. In further support of this Motion, Defendants submit herewith the Affidavit of Ron A. Sprague.

3. All pleadings in this matter will be signed by Richard L. Edwards or Brian P. Voke of Campbell Campbell Edwards & Conroy who have entered an appearance on behalf of Defendants.

Accordingly, Defendants request that Ron A. Sprague be admitted pro hac vice to the United States District Court, District of Massachusetts during the pendency of this matter.

Dated: March 17, 2004.

Respectfully submitted,



Richard L. Edwards, BBO 151520

Brian P. Voke, BBO 544327

Campbell, Campbell, Edwards & Conroy

One Constitution Plaza

Boston, Massachusetts 02129

(617) 241-3000 - telephone

(617) 241-5115 - facsimile

ATTORNEYS FOR LEARJET INC. AND  
BOMBARDIER INC., DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Motion Pro Hac Vice was served via U. S. Mail, postage prepaid, on this 17<sup>th</sup> day of March, 2004, addressed to the following:

Mr. David A. Bunis  
Mr. Nicholas J. Walsh  
600 Atlantic Avenue  
Boston, Massachusetts 02210-1122

Mr. Gary D. Justis  
Lathrop & Gage, L.C.  
10851 Mastin Boulevard, Suite 1000  
Overland Park, Kansas 66210-1669

Mr. William P. Sampson  
Mr. Matthew C. Miller  
Shook, Hardy & Bacon, L.L.P.  
10801 Mastin Boulevard, Suite 1000  
Overland Park, Kansas 66210-1671



Richard L. Edwards  
Brian P. Voke

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KESTREL HOLDINGS I, L.L.C.,

§

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LEARJET INC. AND BOMBARDIER INC.

§

Defendants

§

**AFFIDAVIT OF RON A. SPRAGUE**

THE STATE OF TEXAS §

COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, personally appeared the undersigned Affiant, who, being by me duly sworn, upon oath, states:

"My name is RON A. SPRAGUE. I am over twenty-one (21) years of age, of sound mind and capable of making this Affidavit. I am fully competent to testify to the matters stated herein, and I have personal knowledge of each of the matters stated herein.

1. I was licensed to practice law in the State of Texas in 1979. My Texas Bar Number is 18962100. I am also licensed to practice in all four (4) United States District Courts in Texas, the Fifth United States Circuit Court of Appeals and the United States Supreme Court. I am in good standing with all of those Courts. I am Board Certified in Civil Trial Law by the Texas Board of Legal Specialization.

2. There are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction. A Certificate of Good Standing is attached hereto as Exhibit "A."

3. I have studied the Local Rules of the United States District Court for the District of Massachusetts and am familiar with them.

4. I am familiar with the above styled litigation and am prepared to undertake representation of LEARJET INC. and BOMBARDIER INC., Defendants, and, to the extent necessary, their retained expert Dr. Thomas Eagar, immediately.

5. My mailing address, telephone number and facsimile number are:

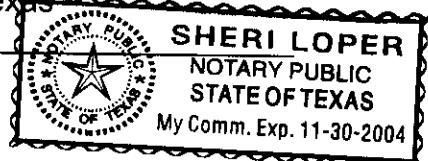
Ron A. Sprague  
Gendry & Sprague, P.C.  
645 Lockhill Selma  
San Antonio, Texas 78216  
Telephone: (210) 349-0511  
Facsimile: (210) 349-2760

Further, Affiant sayeth not."

  
RON A. SPRAGUE, Affiant

SWORN and SUBSCRIBED to before me by RON A. SPRAGUE on this the 16<sup>th</sup> day of March, 2004.

Sheri Loper  
Notary Public in and for Texas  
My commission expires: \_\_\_\_\_



CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA

} ss.

WESTERN DISTRICT OF TEXAS

I, WILLIAM G. PUTNICKI, CLERK of the United States, Western District of Texas,

DO HEREBY CERTIFY That Ron A. Sprague, State Bar Number 18962100, was duly admitted to practice in said Court on August 14<sup>th</sup> 1987 and is in good standing as a member of the bar of said Court.

WILLIAM G. PUTNICKI, CLERK

DATED at San Antonio, Texas

on March 12th 2004

By:

  
Wayne Garcia, Deputy Clerk